

**Amendments to the Drawings:**

The attached sheets of drawings include changes to Figures 3 and 5. Sheets 3 and 5, which include amended Figures 3 and 5, respectively, replace previous sheets 3 and 5, which include Figures 3 and 5, respectively. The amendments to the drawings are described in the Remarks which follow.

Attachments:            Replacement Sheets  
                              Annotated sheets showing changes

### **REMARKS/ARGUMENTS**

This is in response to the Office Action mailed May 26, 2005. Claims 1, 22 and 25 have been amended to further particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims do not include any amendments for a purpose of limiting the inventive subject matter, but rather are intended to emphasize certain aspects of the invention already set forth in the claims. Paragraph 0036.1 has been added to the specification to adequately describe the changes in claims 1 and 25. Figures 3 and 5 have been amended to identify feature "19" showing the rounded corners that join posts 18 to panels 20. Support for the amendments can be found throughout the originally filed application, e.g., Figures 1, 3, 5 and 10B. No new matter has been added.

Independent claim 1 and its dependent claims 2-21 and independent claim 25 and its dependent claims 26-40 are currently pending and at issue. Independent claim 22 and its dependent claims 23-24 were previously withdrawn and are subject to rejoinder.

Applicants appreciate the interview with the Examiner on August 23, 2005 and the Examiner's suggestions for placing the application in a condition for allowance. Applicants have amended the application as suggested by the Examiner and therefore allowance of the application is respectfully requested.

### **Rejections Under 35 U.S.C. § 103(a)**

The present invention, as set forth in independent claims 1 and its dependent claims 2-21 and independent claim 25 and its dependent claims 26-40, is directed to a carafe. Independent claims 1 and 25 have been amended to recite substantially flat posts that are joined to the adjacent panels by rounded corners. None of the previously cited, applied or discussed references, either alone or in combination, disclose, teach or suggest a carafe comprising a flared neck portion having a blown finish and defining a wide-mouth and having a body construction

with substantially flat posts joined to the adjacent panels by rounded corners as set forth in claims 1-21 and 25-40.

Furthermore, as discussed at the August 23, 2005 interview, there is no suggestion to combine the references to arrive at the presently claimed invention. For example, U.S. 6,349,844, to Betras, teaches a flared neck, but as part of a cylindrical drinking container having an opening defined by a retaining ring that has a size that is slightly larger than the perimeter of the base portion but smaller than the perimeter of the top portion. Betras makes no suggestion for the use of a flared neck structure in a container as claimed in the present invention. Applicants note that U.S. 3,923,178, Welker, III, which was discussed at the August 23, 2005 interview, does not add anything to overcome the deficiencies of the previously cited or applied references.

#### **Rejoinder of Withdrawn Claims**

Pursuant to the July 19, 2004, Restriction Requirement, Applicants in the September 8, 2004 Response to the Restriction Requirement, elected Group I claims 1-21 and 25-40, but reserved the right to request rejoinder of independent claim 22 and its dependent claims 23-24 if amended to contain all of the limitation of any allowable product claims. In the October 15, 2004 Office Action, claims 22-24 were withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Applicants respectfully request that claims 22-24 be rejoined pursuant to MPEP 821.04. Applicants have amended claims 22-24 to include all of the limitations of independent product claims 1 and 25, which the Examiner indicated are directed to an allowable product during the August 23, 2005 interview. Therefore, rejoinder is proper. Accordingly, pursuant to the

procedures set forth in the Official Gazette notice dated March 26, 1996 (1184 O.G. 86) and MPEP 821.04, claims 22-24, directed to the process of making the patentable product and previously withdrawn from consideration as a result of a restriction requirement, are now subject to being rejoined. Applicants respectfully request that process claims 22-24 be rejoined and fully examined for patentability under 37 CFR 1.104.

**Conclusion**

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Accordingly, Applicants request that the Examiner issue a Notice of Allowance indicating the allowability of claims 1-40 and that the application be passed to issue. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Dated: August 26, 2005

Respectfully submitted,

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Attachments

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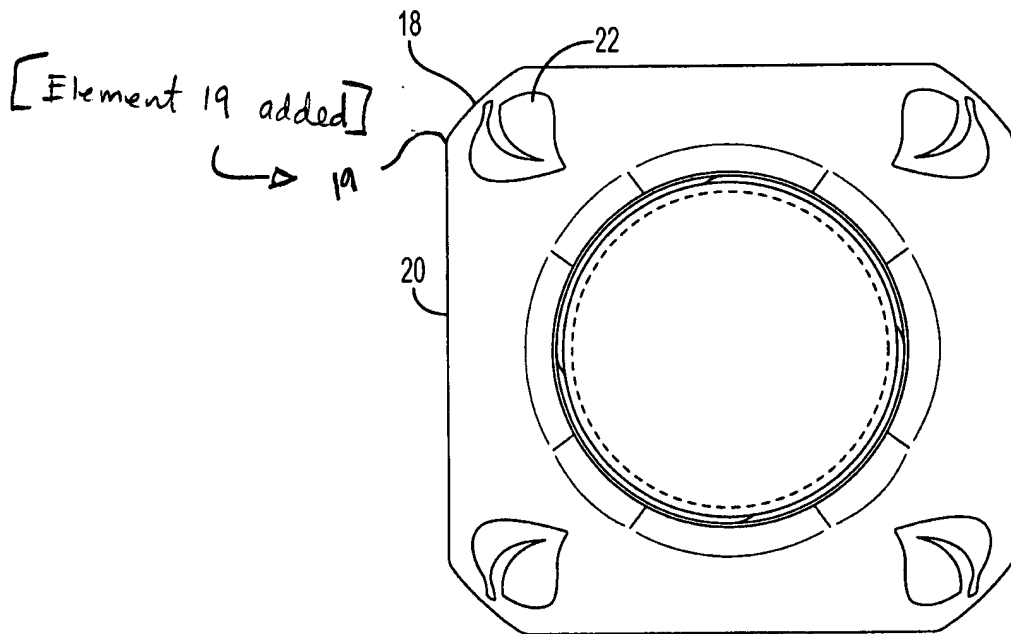


FIG. 3

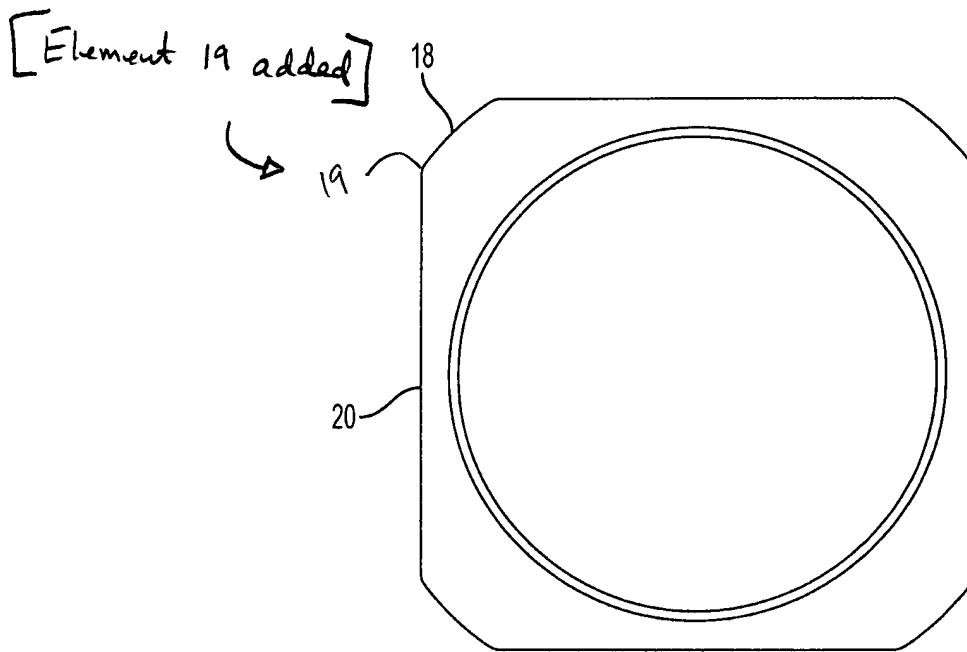


FIG. 5